



**Environmental Quality Commission
Public Forum**



Kentucky's Environmental Future: Will We See Progress in the Years Ahead?



A Public Dialogue

**May 8, 2003 - Capitol Annex, Room 129 - 1 p.m. to 3 p.m.
Environmental Quality Commission**



Kentucky's Environmental Future



Will Kentucky see environmental progress in the years ahead? How will recent budget reductions affect the state's ability to protect the environment? EQC has invited various officials to attend this forum to open a public dialogue on the state's vision and goals for a safe, clean and healthy environment and our ability to achieve progress given current budget cuts.

Agenda

Opening Remarks

- **Aloma Dew**, Chair, Ky. Environmental Quality Commission

Ky. Environmental Strategic Plan: A Vision for the Future

The state has laid out its vision for the future of Kentucky's environment. Can Kentucky achieve these goals? EQC has invited state officials and others to discuss the plan and its goal to improve environmental quality in Kentucky.

- **Russ Barnett**, Director, Ky. Institute for the Environment and Sustainable Development, Univ. of Louisville
- **Robert Logan**, Commissioner, Department for Environmental Protection

Budget Cuts and Impacts on Environmental Programs

The Natural Resources and Environmental Protection Cabinet will experience significant reductions in its general fund budget over the remainder of fiscal years 2003 and 2004. Impacts of this budget reduction and its impact on environmental and natural resource programs will be reviewed.

- **Hank List**, Secretary, Natural Resources and Environmental Protection Cabinet

Challenges Facing Kentucky's Environmental Future

Aloma Dew, Chair, EQC



“It is clear that environmental laws and programs have had a significant impact on environmental quality in the state. However, new strategies must also be devised to augment traditional regulatory programs if Kentucky is to continue to see progress in restoring environmental quality.”

Aloma Dew, Chair, Environmental Quality Commission

Aloma Dew, Chair of EQC noted that Kentucky's current approach to environmental protection has evolved over the past half-century. Environmental programs in Kentucky and various state agencies and divisions were created at different times and for different reasons-generally to address a specific environmental pollution issue or because of federal government mandates. It is clear that environmental laws and programs have had a significant impact on environmental quality in the state. The EQC **State of Kentucky's Environment** reports over the past decade document real progress in terms of cleaner air, safer drinking water and improved water quality.

It is clear that these regulatory programs are the backbone of Kentucky's environmental protection efforts and must be kept effective. However, new strategies must also be devised to augment traditional regulatory programs if Kentucky is to continue to see progress in restoring environmental quality.

Kentucky also now faces the daunting challenge of protecting the environment while facing serious budget shortfalls. Environmental programs have experienced cutbacks in recent years, and further reductions are likely. It is in this setting that Kentucky must make some tough decisions about its environmental future.

Kentucky's Environmental Management Plan

Kentucky Department for Environmental Protection



Protecting and Enhancing Kentucky's Environment

Management Plan 2002 – 2003

The Department for Environmental Protection envisions a healthy and productive Commonwealth with balanced stewardship of the land, air, and water. We envision a Commonwealth where future generations enjoy an environment as good or better than the present.

How will the Department for Environmental Protection achieve its vision for an “environment as good or better than the present?”

The Department for Environmental Protection (DEP) developed a management plan detailing milestones it hopes to achieve over the next several years. The 2002-03 plan also identifies measures to track progress and evaluate the health of the environment. One of the primary themes contained in the plan is an emphasis on results. “Decisions will be based on environmental needs,” according to Bob Logan, commissioner of DEP. The department will track those needs over time and will verify through measurement that the necessary improvements and protections have been achieved.

Among the desired outcomes listed in the plan are:

Air Quality

- Reduce particulate matter and oxides of nitrogen 25 percent by 2010.
- Attain the 8-hour ozone standard by 2010.
- Improve visibility at Mammoth Cave National Park 3 deciviews by 2010.

Water Quality

- Restore 25 percent of impaired waterways by 2006, 45 percent by 2010, and 100 percent by 2018.
- Restore 25 percent of sites with known groundwater contamination by 2010.

Land Quality

- Eliminate all illegal dumps by 2010.

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Pollution Management

- Reduce solid waste disposed in landfills 20 percent by 2007.
- Realize a 50 percent increase in solid waste recycled by 2010.
- Reduce the amount of roadside litter 50 percent by 2010.
- Reduce hazardous waste generated 10 percent by 2007.

Growth and Development

- Reduce the number of households not served by potable water and effective wastewater treatment 25% by 2005.

Compliance

- At any given time, 85 percent of facilities will be in compliance with environmental laws and regulations.

Environmental Citizenship

- Decrease water consumption rate per capita 15 percent by 2010.
- Achieve statewide solid waste collection by 2010.
- Encourage a net decrease in average energy consumption per capita by 2010.

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Aaron Keatley, with DEP, said the the plan will:

- ♦ Focus on the environment. In the past, plans focused on programs.
- ♦ Collect data to determine the quality of the environment. DEP does a good job collecting information, monitoring, coordinating efforts and partnering with other agencies. But there are still things about the environment we do not know.
- ♦ Document a consistent business philosophy. DEP has many divisions and each division has multiple programs and all have evolved in different ways over time. We want to document this is what this agency stands for, this is how we consider issues, this is how we are going to use science and other bits of information as we manage our resources.
- ♦ Set department-level goals and priorities to change the previous focus on programs, and look at what cooperatively we need to do.
- ♦ Establish a process that promotes efficient and effective use of resources. The plan is designed to look at the result we want to achieve. Then evaluate whether the processes designed to achieve that result are actually being successful.
- ♦ Promote a public dialogue on environmental issues and priorities.

The DEP will issue a public statement of measurements and publish an annual report showing the progress being made on each outcome. DEP will revisit the management plan to determine if any outcomes need to be changed based on new data, public input or new state policy.

Kentucky's Environmental Future : Public Discussion



“With reduced resources, it becomes essential that we ask what path we want to go down, and how can we measure our progress. The Department is to be applauded for attempting to identify the road it wants to travel.”

Russ Barnett, Director

Ky. Institute for the Environment and Sustainable Development,
University of Louisville



EQC posed several questions to **Russell Barnett, Director Ky. Institute for the Environment and Sustainable Development, University of Louisville** regarding the Department of Environmental Protection's Environmental Management Plan.

1) Why is the Environmental Management Plan important?

Over the years the Department of Environmental Protection has initiated and supported a number of programs of questionable value. If we do not have a firm idea of where we are going then the use of limited resources for these programs makes little difference. For example, Kentucky was proud to be one of the first states with an air toxics program in the 1980's, until we examined it's benefit in 1990 and realized that it had not resulted in any reduction in the generation or release of air toxics.

With reduced resources, it becomes essential that we ask what path we want to go down, and how can we measure our progress. The Department is to be applauded for attempting to identify the road it wants to travel.



Kentucky's Environmental Future : Public Discussion



“The success or failure of this plan depends on upper management’s use of the plan to establish accountability, setting and tracking benchmarks, and evaluating performance of mid-level managers in the agency.”

Russ Barnett, Director

Ky. Institute for the Environment and Sustainable Development,
University of Louisville



2) How can this plan succeed where others have failed?

Over the years the Cabinet has prepared hundreds of different plans. Some required by federal law, others by state law, and others as initiatives of various programs. Many have never had any impact on the agency or the environment.

The 2002-03 Environmental Management Plan as prepared is not a plan on what needs to occur to protect Kentucky’s environment. It is an internal plan meant to guide the agency. And this is one of its weaknesses. It does not set priorities. Cleaning up roadside litter is afforded the same priority as assuring that air pollutants do not create a health risk in excess of 1 in a million cancer morbidity rate. It does not match needs with desired end results. The public, regulated community, members of the General Assembly and other agencies and state universities have not participated in plan development. The plan provides no hint as to how budget cuts will impact desired outcomes or provide the road map to decision makers on where to take the cuts. And it does not identify any strategies to get to any of the desired outcomes.



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Kentucky's Environmental Future : Public Discussion



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Russ Barnett, Director

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3)What will this Plan Accomplish?

The plan spells out desired environmental outcomes which can be characterized as:

•Meeting regulatory requirements.

Although a laudable goal, meeting regulatory goals may not always adequately protect the environment or public health. For example, Louisville lost its vehicle emission-testing program when EPA certified that the community met the national standard for ozone. Last summer the city exceeded the 8-hour standard deemed to more accurately reflect health impacts 78 times. If the Department wants the support of the general public the desired outcomes have to relate to those things that the public want and desire: clean air, clean water and public health protected.

•Reducing emissions or correct contaminated sites by an arbitrary amount

The strategic plan sets a number of desired outcomes. Many of these goals are unrealistic and may have little or no bearing on the quality of our environment or public health impacts. The devil is in the details. Some of the outcomes are so unrealistic that no rational person really expects the goal to be met. Creating unrealistic goals can reduce the level of support toward even laudable goals as deadlines are continuously extended.



It is quite easy to critique the desired outcomes. I think that many of the desired outcomes are on target and set directions for the department. Particularly those that deal with reduction of risks and those outcomes that take a whole system approach.

Kentucky's Environmental Future : Public Discussion



“Sometimes problems are addressed quicker when the magnitude of the threat is understood and the nature of the response is obvious.”

Russ Barnett, Director

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4) Where do We Go From Here?

Kentucky's environmental issues, predominantly a social issue, will take time to solve. Some of the issues identified in the Environmental Management Plan developed over a long period of time. They will not be solved in 7, or 20 or 30 years. And they will be constantly evolving. Sometimes problems are addressed quicker when the magnitude of the threat is understood and the nature of the response is obvious.

We have seen dramatic changes in this county since September 11. We are looking for massive changes in the economic sector to move more to an eco-economy. Shifting from a throwaway mentality to a closed loop mindset. From fossil fuel energy to hydrogen based energy sources. From short-term gains to long term sustainability. We are looking for massive changes in the social sector. Where we live, what we consume, how we consume. And massive changes in the institutional sector, particularly government. From regulatory control to economic controls such as shifting taxes to environmentally destructive activities being implemented in Europe. Environmental Quality Commission with its 10-years of publishing a state of the Environment Report has become a national leader in the use of environmental indicators. We know where we have been. I urge the Commission to focus also on where we need to go, and begin to track our progress toward reaching our goals.



Kentucky's Environmental Future: Public Discussion



“The strategic plan will now establish a baseline from which we can measure what we have truly accomplished and provide the state with an opportunity to determine if we have effectively reduced public health and environmental risks.”

Robert Logan, Commissioner, Dept. of Environmental Protection



Bob Logan, Commissioner for the Department of Environmental Protection said that environmental planning has been in place for a number of years both at the state and federal level. However, environmental planning in Kentucky has been minimal because the cabinet has focused more on programs to meet federal and state mandates.

Mr. Logan stated he firmly believes that environmental programs have improved the quality of our natural environment. So if these programs have been successful why do we need an environmental plan? The strategic plan will now establish a baseline from which we can measure what we have truly accomplished and provide the state with an opportunity to determine if we have effectively reduced public health and environmental risks. The intent of the plan is not to prioritize issues, according to Logan, noting that human health is no more important than the health of an ecosystem. Rather, the focus is on sound facts, information and data. It is this type of information that will enable Kentucky to better focus on needs and better target its limited resources. The Department's goal is to:

- Develop a strategic plan that has meaningful outcomes
- Develop a data system that tells what is going on in the environment and set a baseline from which to measure progress.
- Obtain funding to move a goal forward.
- Generate discussion and raise the level of awareness.



Kentucky's Environmental Future: Public Comments



EQC discussed the plan and members of the public also offered comments. Aloma Dew, Chair of EQC noted that the plan's **vision statement** says . . . “enjoy an environment as good or better than the present.” Would it have been best to say, enjoy an environment better than the present? Mr. Logan responded that some of the areas in Kentucky are in excellent condition but that does not mean that they are not under stress or possible future stress. We need to establish tools to better determine if it is degraded, threatened or has been restored.



EQC Commissioner Gordon Garner commended DEP for making the effort to develop the plan. “It was hoped that when EQC did the first State of Kentucky’s Environment report in 1992 that one of the outcomes would be to start linking consequences with actions.” As this evolves, I would urge the Cabinet to look at ways the EQC can help in this effort and **bring the customers into the dialogue**.

EQC Director Leslie Cole asked with the upcoming change in the administration, how DEP proposes to **institutionalize plan** so it will continue forward? Mr. Logan responded that DEP will institutionalize the plan in a couple of ways. For example, DEP job descriptions will contain a certain percentage of time to implement the strategic plan and the plan is also incorporated into the DEP budget document. With the change in administration, we hope that the logic and the merit of the plan will help it to proceed forward.



Wade Helm, a member of the audience encourage DEP to **share the plan with other cabinets** in state government and seek their input. Dr. Bill Martin commented that we do not have documentation of Kentucky’s non-human life such as wildlife, plants, forest and fields and encouraged the EQC to focus on **documenting the ecological health** of Kentucky.

Kentucky's Environmental Future: Budget Impacts



“The 2003-04 fiscal year budget represents a 11.8 percent reduction in state general funds during the past 2 years, according to Hank List, Secretary of the Natural Resources and Environmental Protection Cabinet.”

Hank List, Secretary, Natural Resources and Environmental Protection Cabinet



The legislature approved a \$155.4 million budget for the Natural Resources and Environmental Protection Cabinet (NREPC) to carry out its environmental, mining, and natural resource programs for 2003-04. The budget includes \$57.2 million in state general funds, \$9 million in tobacco settlement funds, \$45.8 million in restricted agency funds (permit and other fees) and \$43.3 million in federal funds. Fiscal year 2004 funded positions in the Cabinet are at 1,610.

Agency	state general funds	Total (state, federal, restricted)
	(million \$)	(million \$)
Dept. of Environmental Protection (air, water and waste programs)	\$22.7	\$76.8
Dept. of Natural Resources (forestry, conservation, energy)	\$13.3	\$31.3
Dept. of Surface Mining	\$10.5	\$24.2
Abandoned Mine Land Reclamation	0	\$9.9
General Administration and Support	\$9.5	\$11.4
Environmental Quality Commission	0	\$0.22
Nature Preserves Commission	\$1.0	\$1.3
NREPC Total	\$57.2	\$155.46
Statewide Total	\$7,524.0	\$17,718.00



The 2003-04 fiscal year budget represents a 11.8 percent reduction in state general funds during the past two years, according to Hank List, Secretary of the Natural Resources and Environmental Protection Cabinet.

Kentucky's Environmental Future: Budget Impact



“The reduction in the budget has not yet caused any programs to be cut, but the cabinet will not be able to implement any new or expanded programs.”

Hank List, Secretary, Natural Resources and Environmental Protection Cabinet



The 11.8 percent reduction in the Natural Resources and Environmental Protection Cabinet's budget has not yet caused any programs to be cut, however, the cabinet will not be able to implement any new or expanded programs, according to Secretary Hank List. The Patton Administration will also reduce the number of state employees by 1,000 by the end of the year. The Cabinet will be required to eliminate 42 full-time positions plus 8 Principal Assistant positions.

One of the greatest problems encountered by the cabinet is maintaining adequate staffing levels. Additional cuts may further impair the agencies ability to issue permits, conduct inspections and ensure public safety. List also indicated that the current budget provides no funds in the event of an environmental emergency or disaster with an operating budget of less than 1 percent to absorb any unexpected expense.



EQC commissioners expressed concern regarding the budget. They noted that the Cabinet's budget is less than one percent of the state budget. Per capita general fund expenditures for environmental programs in the state amounts to \$14.00 per Kentuckian. EQC commissioners speculated that with the budget shortfalls other sources of revenue such as increasing permit fees may be in order.




Kentucky's Environmental Future: Additional Information

2002-03 Kentucky Environmental Management Plan


To view the Kentucky Department for Environmental Protection's Management Plan visit <http://www.kyenvironment.org/nrepc/dep/ManagementPlan.pdf>

U.S. Environmental Protection Agency 2003-2008 Draft Strategic Plan



U.S. EPA's draft FY 2003-2008 *Strategic Plan* serves as the Agency's road map for the next 5 years. The *Strategic Plan* lays out EPA's five long-term goals and will guide the EPA in establishing the annual goals. It will help measure how far we have come towards achieving our goals and to recognize where we need to adjust our approaches or directions to achieve better results. Finally, it will provide a basis from which EPA's managers can focus on the highest priority environmental issues and ensure that we use taxpayer dollars effectively.

The draft *Strategic Plan* is built around five goals, centered on the themes of air, water, land, communities and ecosystems, and compliance and environmental stewardship. These themes reflect EPA's mission, "to protect human health and the environment." In addition, the Plan discusses strategies the Agency is applying across all five goals, in areas such as science, human capital, innovation, information, homeland security, and partnerships.



EPA is currently soliciting comments on the draft Plan and welcome comments from all interested parties. The EPA will be submitting the 2003 Strategic Plan to Congress in September 2003, as required under the Government Performance and Results Act.

To view the U.S. EPA plan visit <http://www.epa.gov/ocfo/plan/plan.htm>

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The Environmental Quality Commission is a seven-member citizen board that advises officials on environmental matters, provides a public forum for the discussion of issues and monitors environmental conditions. The Environmental Quality Commission encourages public input. To receive the free EQC newsletter, call (502)564-2150 ext. 160, e-mail EQC@mail.state.ky.us, or write to EQC at 14 Reilly Rd., Frankfort, KY 40601. You can also submit your comments at our Web site at www.kyeqc.net.